

## MINUTES

### 1. CALL TO ORDER

Mayor Nabours called the meeting of December 15, 2015, to order at 4:02 p.m.

#### NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

*Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this regular meeting, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).*

### 2. ROLL CALL

*NOTE: One or more Councilmembers may be in attendance telephonically or by other technological means.*

#### PRESENT:

MAYOR NABOURS  
VICE MAYOR BAROTZ  
COUNCILMEMBER BREWSTER (telephonically)  
COUNCILMEMBER EVANS  
COUNCILMEMBER ORAVITS (telephonically)  
COUNCILMEMBER OVERTON  
COUNCILMEMBER PUTZOVA

#### ABSENT:

NONE

Others present: City Manager Josh Copley and City Attorney Michelle D'Andrea.

### 3. PLEDGE OF ALLEGIANCE AND MISSION STATEMENT

#### MISSION STATEMENT

*The mission of the City of Flagstaff is to protect and enhance the quality of life of its citizens.*

### 4. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

None

**5. PUBLIC PARTICIPATION**

*Public Participation enables the public to address the Council about an item that is not on the agenda. Comments relating to items that are on the agenda will be taken at the time that the item is discussed. If you wish to address the Council at tonight's meeting, please complete a comment card and submit it to the recording clerk as soon as possible. Your name will be called when it is your turn to speak. You may address the Council up to three times throughout the meeting, including comments made during Public Participation. Please limit your remarks to three minutes per item to allow everyone an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.*

None

**6. PROCLAMATIONS AND RECOGNITIONS**

None

**7. APPOINTMENTS**

*Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that the City Council may vote to go into executive session, which will not be open to the public, for the purpose of discussing or considering employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee, or employee of any public body...., pursuant to A.R.S. §38-431.03(A)(1).*

**A. Consideration of Appointments: Personnel Board.**

**Moved by** Councilmember Scott Overton, **seconded by** Mayor Jerry Nabours to appoint Stan Nelson to the Personnel Board, with a term to expire October 2018.

**Vote:** 7 - 0 - Unanimously

**8. LIQUOR LICENSE PUBLIC HEARINGS**

Mayor Nabours opened the public hearing for both liquor license applications. There being no public input, the public hearing was closed.

**Moved by** Councilmember Scott Overton, **seconded by** Mayor Jerry Nabours to forward both applications to the State with a recommendation for approval.

**Vote:** 7 - 0 - Unanimously

**A. Consideration and Action on Liquor License Application: Andrea Lewkowitz, "Courtyard by Marriott", 2650 S. Beulah Blvd., Series 11 (Hotel/Motel), New License.****B. Consideration and Action on Liquor License Application: Andrea Lewkowitz, "Springhill Suites", 2455 S. Beulah Blvd., Series 10 (beer and wine store), New License.**

**9. CONSENT ITEMS**

*All matters under Consent Agenda are considered by the City Council to be routine and will be enacted by one motion approving the recommendations listed on the agenda. Unless otherwise indicated, expenditures approved by Council are budgeted items.*

None

**10. ROUTINE ITEMS**

**A. Consideration and Adoption of Ordinance No. 2015-22:** An ordinance of the Mayor and Council of the City of Flagstaff amending qualifications for members who serve on certain Boards and Commissions (***Elimination of Specialty Appointments to Commissions***)

City Clerk Elizabeth Burke addressed Council with a PowerPoint presentation that covered the following:

REVIEW OF PRIOR DISCUSSIONS  
RECAP OF PREVIOUS DIRECTION  
DIRECTION

She said that there have been some members of the lodging industry who voiced concerns about wanting mandatory representation on commissions.

Mayor Nabours said that the ordinance before Council would eliminate specialty representatives on every commission. Ms. Burke added that previous discussion of Council was that they would still want representation from the hospitality industry, but Council would keep that in mind when making appointments, rather than making it mandatory.

Vice Mayor Barotz referenced paragraph B in the section on the Heritage Presentation Commission, suggesting that it be eliminated as well. She said that she had received some e-mails about this issue with concerns about people serving on commissions by people with a conflict of interest. She asked the City Attorney to reiterate the Conflict of Interest law. Ms. D'Andrea said that they have relied on staff to let Legal know when there is a conflict and they have been diligent in letting them know.

Ruben Abeyta with the Tourism Commission addressed the Council urging them to maintain specialty representation on the commissions because they are experts in the industry and why people come into Flagstaff. They have the ability to give direction to people and they have seen nothing but positive things over the years. If the commission does not do its job and the CVB does not get proper direction, there could be a trickle-down effect to those who get a piece of the BBB pie.

Councilmember Oravits said that he agreed that representation was important and he has looked at applications to determine qualifications. His concern is that they could say the same about all of the commissions. Mr. Abeyta said that there is a direct correlation between the commissions and the BBB tax.

Vice Mayor Barotz said that if this change does go through, she did not see those qualifications not being considered by the Council in the future. The message should be that the people will still be a part of the commission, but it would not be a requirement. She said that the Council takes all appointments seriously and vetting their qualifications will still occur.

Mr. Abeyta said that this Council can certainly do that, but future councils may think differently. Councilmember Putzova said that currently the requirements are very ambiguous which is why they are looking at this issue.

Councilmember Evans said that she would like to understand how they got the BBB tax and the ruling behind it. Having these guaranteed positions was part of getting the BBB taxes to begin with. Ms. Burke said that staff did do some research on this and a CCR went out recently and it was determined that the specific language was not included in the ballot.

Councilmember Evans asked if there was anything in the notes from the prior council when this commission was established. Ms. Burke said that she did not research that specifically. Staff pulled the original ordinance from when the commission was established and that was part of the original wording.

Vice Mayor Barotz said that she thinks there is an idea that some people are more qualified than others in that position. There are no qualifications to run for any office; she is not convinced that eliminating the requirements would run the risk of mismanaging monies.

Mayor Nabours added that it would not mean that they would not have any hospitality industry on the commission; he would welcome them to apply so they can keep the commission at full strength with people who are interested in the commission.

Councilmember Brewster said that she would hate to see the elimination of the specialty representatives. It is important to have people with specific qualifications and education for the commissions. In the end they run the risk of watering down the commissions that need specific expertise.

Councilmember Oravits said that he appreciated all of the comments. He would support the specialty appointment for this commission because of the history and their value. Councilmember Evans said that she thought that Tourism and Beautification and Public Art should both keep their specialty representatives because they are tied to the BBB funds.

**Moved by** Mayor Jerry Nabours, **seconded by** Councilmember Eva Putzova to read Ordinance No. 2015-22 by title only for the first time.

Vice Mayor Barotz said that the whole notion of specialty representatives for some commissions and not others is troubling. They could justify them for any commissions with specific requirements. The idea of expertise it not being consistent and it is important to consider this as a whole model for boards/commissions.

Councilmember Putzova said that specialty appointments are no guarantee of expertise, and not having them is no guarantee that expertise is not there. By eliminating the requirements they are more transparent. The process is good. Voters can vote on city council every two years and apply their best judgment to apply their own criteria to make appointments. If the voters are not happy then they will vote them out.

**Vote:** 4 - 3

NAY: Councilmember Karla Brewster  
Councilmember Coral Evans  
Councilmember Jeff Oravits

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF FLAGSTAFF, COCONINO COUNTY, ARIZONA, AMENDING QUALIFICATIONS FOR MEMBERS WHO SERVE ON CERTAIN BOARDS AND COMMISSIONS, AND CONSOLIDATING AND HARMONIZING COMMISSION DUTIES, BY AMENDING TITLE II, BOARDS AND COMMISSIONS, BY AMENDING CHAPTER 2-03, PARKS AND RECREATION COMMISSION, CHAPTER 2-13, TOURISM COMMISSION; CHAPTER 2-14, BEAUTIFICATION AND PUBLIC ART COMMISSION; CHAPTER 2-19, HERITAGE PRESERVATION COMMISSION; CHAPTER 2-20, OPEN SPACES COMMISSION; AND AMENDING TITLE III, BUSINESS REGULATIONS, BY AMENDING CHAPTER 3-06, HOSPITALITY INDUSTRY TAX REVENUES, AND INCLUDING A CLERICAL CORRECTION TO CONFORM WITH THE CURRENT TAX RATE; AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, AND EFFECTIVE DATES

### **RECESS**

The 4:00 p.m. portion of the December 15, 2015, meeting recessed at 4:37 p.m.

### **6:00 P.M. MEETING**

### **RECONVENE**

Mayor Nabours reconvened the meeting of December 15, 2015, at 6:01 p.m.

### **NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION**

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### **11. ROLL CALL**

*NOTE: One or more Councilmembers may be in attendance telephonically or by other technological means.*

PRESENT:

ABSENT:

MAYOR NABOURS  
VICE MAYOR BAROTZ  
COUNCILMEMBER BREWSTER  
COUNCILMEMBER EVANS  
COUNCILMEMBER ORAVITS  
COUNCILMEMBER OVERTON  
COUNCILMEMBER PUTZOVA

NONE

Others present: City Manager Josh Copley and City Attorney Michelle D'Andrea.

**12. PUBLIC PARTICIPATION**

The following individuals addressed the Council regarding the issue indicated:

- Don Ballard, Flagstaff, regarding problems he has been having with Guardian Air flying right over his house.
- Gabor Kovacs, Flagstaff, wishing everyone a blessed holiday and thanking the Council, staff, police, etc., for all the good things they have accomplished.

**13. CARRY OVER ITEMS FROM THE 4:00 P.M. AGENDA**

None

**14. PUBLIC HEARING ITEMS**

None

**15. REGULAR AGENDA****A. Consideration and Approval of Street Closure(s): Dew Downtown Flagstaff Winter Festival**

Recreation Supervisor Glorice Pavey briefly reviewed the application to close streets for the Dew Downtown Flagstaff Winter Festival, noting that she was present to answer any additional questions.

Vice Mayor Barotz said that it sounded from the last presentation that staff was not yet clear on the cost to the City for staff time and the amount spent. Ms. Pavey said that was correct; they do anticipate that a large number of staff members provided in the past will be handled through volunteers.

Public Works Director Erik Solberg said that any regular time paid employees would come out of their respective budgets. Any overtime would be paid for by the Dew sponsorship.

Councilmember Putzova asked why this item had previously been placed on an agenda for discussion and then removed. Mr. Copley said that it was originally put on the agenda to talk about the future of the event. A lot of things have changed. At that time they were looking to take a year break from the event to evaluate staff, but in the intervening time they were approached by the Downtown Business Alliance (DBA) and asked to be more involved to try and get more participation from the private sector, and that is what is before the Council. He said that they had a choice of not doing it, or working it out as it goes. There are finer details to be worked out, and his commitment is that as they get that detail they will report it back to Council.

Ms. Pavey said that there are a number of coordinating sponsorships. They are working with the DBA on the bulk of planning and implementing, coordinating vendors, fencing, tents, amusements, in trying to see how they can be involved. The City has contracted out the beer garden to the DBA as well as the parking. Since the snowboarding is moving to Snowbowl they will not be involved with that. She said that they are proposing that the City of Flagstaff pay an event planner \$5,000.

Ms. Pavey said that the Nackard Corporation is still the primary sponsor and has naming rights. The prior name was longer than preferred. Councilmember Putzova asked if they

already had contracts in place for sponsorship. Ms. Pavey said that they wanted to make sure the discussion at the Work Session went well before they started handing out contracts. It can be a lengthy process. They have not received those signatures yet, but are in the process of creating and sending to legal for review.

Tory Syracuse, Friends of Flagstaff's Future, said that while they appreciated the effort being made around the event to make it more resilient, they still opposed it and the use of thousands of gallons of water in making snow.

Terry Madeksza, DBA, said that this is an event they would really like to see happen as they do not see a lot coming to downtown this time of year. This event brings families downtown and over the past four or five years it has been successful.

**Moved by** Mayor Jerry Nabours, **seconded by** Councilmember Scott Overton to approve the street closure at San Francisco Street (between Aspen Avenue and Cherry Avenue) and Birch Avenue (between Agassiz Street and Leroux Street) on January 28, 2016 at 8:00 p.m. through January 30, 2016 at 11:59 p.m.; and approve the street closure at Aspen Avenue (between San Francisco Street and Leroux Street) on January 29, 2016 at 8:00 a.m. through January 30, 2016 at 11:59 p.m.

Vice Mayor Barotz said that she has supported this event in the past, but this year will be voting against it. She thinks that she could get behind an event downtown that has the goal of drawing people, but she does not support the continued subsidy and she cannot support the use of potable water for snow making.

Councilmember Oravits said that he did support the event, realizing that it is at a point of transition.

Councilmember Putzova said that she has already voiced her opinion about the event as proposed. As a City-sanctioned event, she could not support something that excludes people and this one does because of those who really oppose potable water for recreational use.

**Vote: 5 - 2**

NAY: Vice Mayor Celia Barotz  
Councilmember Eva Putzova

## **16. DISCUSSION ITEMS**

### **A. Discussion of Disabled-accessible Parking in Downtown.**

Transportation Engineer Reid Miller gave a PowerPoint presentation regarding disabled-accessible parking in downtown, which addressed:

ACCESSIBLE PARKING

OVERVIEW

Available Parking Downtown

Disability Awareness Commission (DAC)

Accessible Parking in the Right-of-Way

AVAILABLE PARKING DOWNTOWN

Downtown Defined - Humphreys on the west, Verde on the east, north to Cherry and south to Phoenix

#### AVAILABLE PARKING DOWNTOWN (Continued)

List of Parking Lots

ADA and Zoning Code Compliance

#### LIST INCLUDES

Phoenix West and East

Train Station

Lumberhard Parking Lot

Beaver Street Parking Lot

Library

Wheeler Park

City Hall

Municipal Court at Beaver/Route 66

#### DISABILITY AWARENESS COMMISSION

Staff attended three monthly meetings to discuss:

- ADA Parking at Special Events

- Events occurring recently or upcoming

- Code Enforcement (Frank Higgins)

- ADA Accessible parking in Downtown (Karl Eberhard)

#### ACCESSIBLE PARKING IN THE RIGHT OF WAY

US Accessibility Board

- Access for blind pedestrians at street crossings

- Roadway design practices

- Access to on-street parking

Further discussion was held on parking spaces in the right-of-way. Mr. Miller noted that they would need to obtain easements or additional right-of-way to construct such spaces and they would also have to construct associated ramps to provide access to the sidewalks.

Mr. Miller explained that the ADA requires a certain amount of spaces based on the total number of parking spaces. The City's Zoning Code goes above and beyond and requires 32 spaces.

Councilmember Evans said that one thing she hears is that a lot of the disabled parking spaces that are available are located on the outskirts and not in the middle of downtown. Mr. Miller said that was one of the main reasons they were trying to find spaces for special events. Councilmember Evans said that they would like to see them available year round.

Councilmember Putzova asked about the possibility of providing more one-way streets so that some of the lanes could be turned into diagonal parking, to include disabled accessible. Mr. Miller said that it is something they have not looked at, but they could.

The following individuals addressed Council regarding this issue:

- Sherry Peralta
- Al White
- Caitlyn Beruth
- John Thoran



•Vince Soqui

Comments received included:

- Questions the definition of "downtown"
- Disagrees with the number of spaces available - only 18 spaces
- Those indicated south of the tracks are not useful as it is difficult to get across the tracks
- Dirt parking lots do not work well with wheelchairs and walkers
- Many businesses have "customer only" signs
- Parking lot on Leroux is difficult to get in and out of; also police often park in spaces
- Signs at the Library, Wheeler Park, Cherry Street and City Hall all have "city business only" sign; general public does not know they are allowed to park there
- Municipal Court spaces are not van accessible
- Supports additional parking downtown for disabled
- Appreciates staff studying the issue and supports Karl's plan
- At one time there was a \$10,000 fee for the Leroux lot from Heritage Square Foundation; should be researched
- Difficult to get around with snow
- Understands parking downtown is an issue outside of the disable-accessible
- The Disability Awareness Commission would like to help work on a temporary solution; they have a lot of ideas
- Need a crosswalk between Fourth Street with a button to push and signals
- There are not enough sidewalks
- Is a lot of talk going on; would like to see action as well

Councilmembers thanked those in the public that came out and spoke tonight. Staff was asked to continue looking at the issue, study the possibility of closing lanes downtown to provide additional spaces, work with the Disability Awareness Commission and Al White re the Heritage Square parking issue. It was also suggested that the signs referenced for "for city business only" be changed.

It was also suggested that during snow removal, priority be given to clearing sidewalks to accommodate the disabled.

Mayor Nabours said that some of those attending the meeting were also interested in Item 16-C so he would move to that discussion at this time.

**B. Policy discussion on proposed amendments to Zoning Code Chapter 10-30 (*General to All*).**

Mr. Eastman began the presentation talking about Building Placement and reviewed the talking points, noting that it would apply to all commercial, retail and multifamily.

Mayor Nabours asked how they would handle a situation wherein a new store wants to come to town and the architect comes and meets with staff. He presents ideas and staff suggests something different. He asked how that conflict is resolved. Mr. Eastman said that happens fairly frequently, but 90-95% of the discussion resolves that issue. There is always the appeal process. Any decision of staff or the planning director appeals to the Board of Appeals, and if it needs to go further it goes to the Superior Court.

Councilmember Putzova said that they have heard that the community does not like the way that Sportsman Warehouse turned out, but it meets the criteria of these standards. She asked

what they could do differently so they do not end up with projects like that in the future.

Mr. Eastman said that under today's codes, with creativity of staff to bring the building forward and suggested amendments, it meets the location requirements close to the street, with a side entrance. One of the issues that he has noticed is that it is a free stand-alone building with nothing else next to it. He believes that once it is built out it will not stand out as much, especially with newer buildings nearby.

Councilmember Oravits said that he appreciates the moving forward design and in most cases it works well. The challenge he sees is that with a lot of the lots left the terrain dictates certain needs as well. He is also concerned with future roadway extensions.

Mr. Eastman said that one of the issues with Sportsman Warehouse was that they did not want to have windows on the street for security reasons. He said that staff worked with them to find some type of treatment on the building; they would have loved to have gotten further.

With regard to the prior statement as to roadway extensions, he believes they have addressed that in a different section of the code.

Brief discussion was held on future development on Milton. Mr. Landsiedel said that one thing they need to talk about is that as the projects come to the City, they look at the Regional Plan. In looking at the roadway standards, if they have a roadway calling for five lanes, they plan accordingly. If it is not in the Regional Plan, but it gets widened 50 years down the road, they may run into problems.

**C. Policy discussion on proposed amendments to Zoning Code Chapter 10-50 (*Supplemental to Zones*), except for Division 10-50.100 (*Sign Standards*).**

Mr. Eastman suggested that, based on prior discussion, they withdraw the suggested amendment to change the minimum parking from Flagstaff's back to the federal requirements, as it was the right thing to do.

A break was held from 7:26 p.m. to 7:38 p.m. during which time Councilmember Evans left the meeting.

**D. Policy discussion on proposed amendments to Zoning Code Chapters 10-60 (*Specific to Thoroughfares*), 10-80 (*Definitions*) and 10-90 (*Maps*)**

Mr. Eastman said that these sections include many technical amendments. He said that they have talked about the rooming/boarding changes to definitions in past meetings. He said that the current code, in 10-40 Specific to Zones, provides for rooming/board facilities. They are recommending that dormitories remain, eliminate rooming/boarding and refine the definition of dormitory and single-use rooms. He said that the rooming/boarding facility definition includes language regarding a lease arrangement. Staff has wrestled with this one. He said that most of the student facilities coming forward are actually multifamily and in the commercial zone is a permitted right.

Mr. Eastman said that he and Mr. Folke have been talking about this issue, and with the large student housing being proposed, it is the scale of the projects that has created a lot of problems. He said that the real solution is the High Occupancy Housing (HOH) ordinance to establish a density threshold where a different review process would kick in.

**17. FUTURE AGENDA ITEM REQUESTS**

*After discussion and upon agreement by a majority of all members of the Council, an item will be moved to a regularly-scheduled Council meeting.*

- A. Future Agenda Item Request (F.A.I.R.):** A request by Councilmember Putzova to place on a future agenda a discussion on affordable housing.

Councilmember Putzova said that her basic request is to have a discussion about a functional housing plan. It would not be a discussion about making construction less expensive, but focusing on what they as a community can do, and what kind of programs they could have to implement the Regional Plan goals.

Mayor Nabours said that he could see quite a few issues that overlap. There is a possibility they could have a whole day on the issue, perhaps a Housing Summit, with invited people to talk about affordable housing, in the context of subsidized housing, tax credit townhouses, land that they have earmarked as affordable housing; etc.

Councilmember Putzova said that she would like to have staff put forward ideas for a plan. She wants to separate from the building or zoning code. She would like to have staff present what are some best practices nationwide.

Councilmember Brewster said that about six months ago she talked about affordable housing and getting the CEO's of the major employers to sit down and have a discussion. As she understood it, that process has been started through ECoNA.

Mr. Copley said that today they had a meeting regarding that topic. Staff had been directed by Council to put together the community housing forum. While affordable housing will be discussed, it is a broader discussion. They are looking to have that discussion with CEO's of the larger employers, to occur in mid January. He said that staff would be making some presentations there and they intend to come back to Council to report out on those discussions.

Vice Mayor Barotz said that one of the things that is interesting is tiny houses, and asked if they could incorporate that issue into the discussions. She said that she was not clear on what population they would be addressing. Affordable housing for a homeless person is very different than someone else. She suggested that they need a more visionary approach to learn of new options found to be successful.

Mayor Nabours agreed, but he thought it was more than just Council. It is something they could spend a day on because there are so many overlaps. Councilman Oravits agreed that they need to have that broad discussion.

Councilmember Putzova said that was not the intent of this agenda item. She would like to see a plan that brings all of the components together so they as a community have a good understanding of what direction they are headed in.

Councilmember Oravits said that he appreciated that and he would support it if they have a broad discussion.

Councilmember Overton said that he liked the idea of a roundtable. He said that they always

come back with those things they can control and those they cannot. He is happy to hear about things, but he believes it is a more intensive session.

Mayor Nabours said that he was going to vote no on the request because he does not want to take a little part off the issue. He would like a comprehensive look at affordable housing.

As explained this evening, those in favor were Vice Mayor Barotz and Councilmembers Overton and Putzova; those opposed were Mayor Nabours and Councilmembers Brewster and Oravits.

**18. INFORMATIONAL ITEMS AND REPORTS FROM COUNCIL AND STAFF, FUTURE AGENDA ITEM REQUESTS**

Mayor Nabours reminded everyone that they do not meet for the next two Tuesdays.

Vice Mayor Barotz asked for a F.A.I.R. item to have a general policy discussion about ways the Council can try to achieve one of their goals--helping the most vulnerable.

Councilmember Putzova asked for a CCR on the City camping ordinance in light of the recent legal opinions, and what it means for the City.

Councilmembers wished everyone a happy holiday.

**19. ADJOURNMENT**

The Regular Meeting of the Flagstaff City Council held December 15, 2015, adjourned at 8:40 p.m.

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MAYOR

ATTEST:

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CITY CLERK

**CERTIFICATION**

I, ELIZABETH A. BURKE, do hereby certify that I am the City Clerk of the City of Flagstaff, County of Coconino, State of Arizona, and that the above Minutes are a true and correct summary of the Meeting of the Council of the City of Flagstaff held on December 15, 2015. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 16th day of February, 2016.

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CITY CLERK